

**REMARKS**

Claims 1-3, 10-12, 21, 22, 25, 26 and 29-32 are pending in this application.

By this Amendment, independent claims 1 and 10 are amended to incorporate the subject matter of claim 4, and to recite additional features disclosed in the specification at, for example, paragraph [0048]. Claims 4, 5, 24 and 28 are canceled without prejudice to or disclaimer of the subject matter recited therein. No new matter is added. Reconsideration of the application is respectfully requested.

Claims 1-5 and 10-12 are rejected under 35 U.S.C. §103(a) over Hinokuma (U.S. Patent No. 6,495,290) in view of Mitsumune (JP 2001-085203). This rejection is respectfully traversed for at least the following three reasons.

First, claims 1 and 10 recite an electric conductor that consists of a "residual material." The Office Action asserts that Hinokuma discloses, in Abstract, an electric conductor consisting of a synthetic carbonaceous material corresponding to the "residual material." However, Hinokuma discloses fullerene derivative and does not disclose "residual material." Also, Mitsumune does not supply the subject matter lacking in Hinokuma.

Second, claims 1 and 10 recite a fullerenes with a  $C_{60}/C_{70}$  ratio of 0.1 to 3. This feature is newly added to claims 1 and 10. Hinokuma and Mitsumune do not disclose or render obvious this additional feature as recited in claims 1 and 10.

Third, in the conductive member recited in claim 1 and 10, a plurality of conductor particles having resin particles formed from the resin and a conductive layer formed on the surface of the resin particles and formed from the electric conductor are piled up. This feature is incorporated from claim 4. In rejecting claim 4, the Office Action asserts that Mitsumune discloses such a constitution. However, Mitsumune discloses the PTC composition which is the electroconductive metal filler surface-treated by titanate-based coupling agent. This is different from the conductor particle which has resin particles and a

conductive layer formed on the surface of the resin particles. Thus, Mitsumune does not disclose the features recited in claim 4, incorporated in claims 1 and 10. Also, Hinokuma does not cure the deficiency of Mitsumune in this respect.

For at least the above reasons, Hinokuma and Mitsumune do not disclose or render obvious the subject matter recited in claims 1 and 10, and claims 2, 3, 11 and 12 depending therefrom. Accordingly, withdrawal of the rejection of claims 1-3 and 10-12 under 35 U.S.C. §103(a) is respectfully requested.

Claims 21, 22, 24, 29 and 30 are rejected under 35 U.S.C. §103(a) over Mitsumune in view of Shirai et al. (U.S. Patent Publication No. 2004/0048127). Claims 25, 26, 28, 31 and 32 are rejected under 35 U.S.C. §103(a) over Mitsumune in view of Hinokuma. These rejections are respectfully traversed.

Independent claim 21 recites "a plurality of conductor particles having resin particles formed from the resin and a conductive layer formed on the surface of the resin particles and formed from the electric conductor are piled up." Independent claims 25, 29 and 31 recite similar features.

As discussed above, contrary to the Office Action's assertions, Mitsumune does not disclose these quoted features. Also, Shirai and Hinokuma do not cure the deficiencies of Mitsumune. Thus, Mitsumune, Hinokuma and Shirai do not disclose or render obvious the subject matter recited in independent claims 21, 25, 29 and 31, and claims 22, 26, 30 and 32 depending therefrom. Accordingly, withdrawal of the rejection of claims 21, 22, 25, 26 and 29-32 under 35 U.S.C. §103(a) is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:  
Request for Continued Examination

Date: April 28, 2009

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